

**From:** [Tillotson, Elizabeth](#)  
**To:** [Gaito, Danielle](#); [Houlihan, Damien](#); [Palmer, Allan](#)  
**Subject:** RE: Schiller Station NPDES permit discussion  
**Date:** Wednesday, September 30, 2020 2:49:49 PM

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**From:** Gaito, Danielle <Gaito.Danielle@epa.gov>  
**Sent:** Wednesday, September 09, 2020 2:37 PM  
**To:** Tillotson, Elizabeth <Elizabeth.Tillotson@graniteshorepower.com>; Houlihan, Damien <houlihan.damien@epa.gov>; Palmer, Allan <Allan.Palmer@graniteshorepower.com>  
**Subject:** RE: Schiller Station NPDES permit discussion

\*\*\* Exercise Caution - External Email \*\*\*

Per our discussion today:

#### **40 CFR 122.47**

(b) *Alternative schedules of compliance.* An NPDES permit applicant or permittee may cease conducting regulated activities (by terminating of direct discharge for NPDES sources) rather than continuing to operate and meet permit requirements as follows:

(1) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:

(i) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

(ii) The permittee shall cease conducting permitted activities before non-compliance with any interim or final compliance schedule requirement already specified in the permit.

(2) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements no later than the statutory deadline.

(3) If the permittee is undecided whether to cease conducting regulated activities, the Director may issue or modify a permit to contain two schedules as follows:

(i) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

(ii) One schedule shall lead to timely compliance with applicable requirements, no later than the statutory deadline;

(iii) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements no later than the statutory

deadline.

(iv) Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under paragraph (b)(3)(i) of this section it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.

(4) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Director, such as a resolution of the board of directors of a corporation.

-----Original Appointment-----

**From:** Tillotson, Elizabeth <[Elizabeth.Tillotson@graniteshorepower.com](mailto:Elizabeth.Tillotson@graniteshorepower.com)>

**Sent:** Friday, September 04, 2020 9:33 AM

**To:** Tillotson, Elizabeth; Houlihan, Damien; Gaito, Danielle; Palmer, Allan

**Subject:** Schiller Station NPDES permit discussion

**When:** Wednesday, September 09, 2020 2:30 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** remote - call info below.

As proposed during the 09/01/20 call.

Elizabeth Tillotson is inviting you to a scheduled Zoom meeting.

Topic: Discussion w EPA re Schiller Station NPDES permit

Time: Sep 9, 2020 02:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

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